

City of San Jose Fire Department

Request for Public Input July 24, 2007

Proposed Administrative Citation Implementation

Why Do We Need a New Administrative Citation Program?

The San José Fire Department's Bureau of Fire Prevention is seeking public input on implementing a proposed Administrative Citation Program to ensure timely compliance with the various laws and regulations that are enforced by the San José Fire Department. These proposed Administrative Citations will be considered by the City of San José Public Safety Committee in September. The Administrative Citation Program could benefit both the public and the businesses community by increasing adherence to Fire Prevention laws and regulations and making the process easier to understand.

How Will this Help the Bureau of Fire Prevention?

The Bureau of Fire Prevention (BFP) is responsible for enforcing compliance with the San José Fire Code, including State Codes pertaining to fire prevention, fire safety, and hazardous materials. BFP inspection staff conducts visits to businesses within the City of San José to enforce these requirements. BFP inspectors always promote code compliance through education and assistance. This education and assistance practice will continue. But for the small fraction of businesses who chronically violate or refuse to comply with the Fire Code, the Administrative Citation Program will provide BFP inspectors with another enforcement tool without resorting to the criminal courts.

Currently, most enforcement by the San José Fire Department is done through the criminal courts. Not only does this require significant allocation of City resources, but a minor violation could result in a criminal record. The Administrative Citation Program decriminalizes the citation process. While the San José Fire Department will continue use other remedies for violations, including criminal citations, the administrative citations will be used for lesser violations.

Violators who are issued an administrative citation do not face possible jail time, nor do they risk obtaining a criminal record. When an administrative citation is issued, the violator must correct the violation and pay the fine. Even if the fine is paid, the violation must still be corrected. The administrative citations or other enforcement actions will continue as long as the violation continues. The Administrative Citation Program also has provisions to allow violators to request an appeal and the return of their fine payment.

How Will this Program Help Business and Property Owners?

Implementing the Administrative Citation Program also allows the San José Fire Department to provide better protection to the public and level the playing field among regulated businesses. Fire Department staff may have required your business to install or implement safety controls, engineering controls or incur additional expenses to satisfy applicable code requirements. If your competitors refuse or fail to implement the same requirements to meet the applicable codes, they gain a direct economic advantage as well as placing surrounding business in danger of fire hazard.



Has Anyone Else Used this Type of Program?

Other City departments that have implemented Administrative Citation Programs have found they increase compliance and reduce the demand on City resources. If you have questions or would like additional information regarding San José Fire Department's proposed Administrative Citation Program please call James Dobson at (408) 277-8771 or Randy Hagerman at (408) 277-8745 or you can go to the San José Fire Department Bureau of Fire Prevention.

To learn more about the San Jose Fire Department Bureau of Fire Prevention you can visit http://www.sjfd.org/FirePrev/bfp_index.htm

